

Whole, resumed the chair; and after some time spent therein,

¶34.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ROEMER:

Strike section 401 (page 34, lines 2 through 19) and insert the following:

SEC. 401. JUDICIAL REVIEW.

Nothing in this Act creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, the adequacy of any certification or other document prepared pursuant to this Act, and any alleged failure to comply with this Act, may not be used as grounds for affecting on invalidating such agency action, but statements and information prepared pursuant to this title which are otherwise part of the record may be considered as part of the record for the judicial or administrative review conducted under such other provision of law.

Strike section 202(b)(2) (page 29, line 24 through page 30, line 6) relating to substantial evidence and strike "(1) IN GENERAL.—" in section 202(b) (page 29, line 18).

It was decided in the } Yeas ..... 192  
negative ..... } Nays ..... 231

¶34.9 [Roll No. 177]

AYES—192

Abercrombie	Filner	Martinez
Ackerman	Flake	Mascara
Baldacci	Foglietta	Matsui
Barcia	Ford	McCarthy
Barrett (WI)	Frank (MA)	McDermott
Becerra	Frost	McHale
Beilenson	Furse	McKinney
Bentsen	Gejdenson	McNulty
Bereuter	Gephardt	Meehan
Berman	Gibbons	Meek
Bishop	Gilchrist	Menendez
Blute	Gilman	Mfume
Boehlert	Gordon	Mineta
Bonior	Green	Minge
Borski	Gutierrez	Mink
Boucher	Hall (OH)	Moakley
Brown (CA)	Hall (TX)	Mollohan
Brown (FL)	Harman	Moran
Brown (OH)	Hastings (FL)	Morella
Bryant (TX)	Hayes	Murtha
Cardin	Hefner	Nadler
Castle	Hilliard	Neal
Clay	Hinchey	Oberstar
Clayton	Holden	Obey
Clement	Hoyer	Oliver
Clyburn	Jackson-Lee	Orton
Coleman	Jefferson	Owens
Collins (IL)	Johnson (CT)	Pallone
Collins (MI)	Johnson (SD)	Pastor
Conyers	Johnson, E. B.	Payne (NJ)
Costello	Johnston	Payne (VA)
Coyne	Kanjorski	Pelosi
Danner	Kaptur	Peterson (FL)
Davis	Kennedy (MA)	Peterson (MN)
de la Garza	Kennedy (RI)	Pomeroy
DeFazio	Kennelly	Porter
DeLauro	Kildee	Poshard
Dellums	Klecza	Rahall
Deutsch	Klink	Ramstad
Dicks	Klug	Rangel
Dingell	LaFalce	Reed
Dixon	Lantos	Reynolds
Doggett	Leach	Richardson
Doyle	Levin	Rivers
Durbin	Lewis (GA)	Roemer
Engel	Lincoln	Rose
Eshoo	Lofgren	Roukema
Evans	Lowey	Roybal-Allard
Farr	Luther	Sabo
Fattah	Maloney	Sanders
Fazio	Manton	Sawyer
Fields (LA)	Markay	Saxton

Schroeder	Tanner	Visclosky
Schumer	Taylor (MS)	Volkmer
Scott	Thompson	Waters
Serrano	Thornton	Watt (NC)
Shays	Thurman	Waxman
Skaggs	Torkildsen	Weldon (PA)
Slaughter	Torres	Williams
Spratt	Torricelli	Wise
Stark	Towns	Woolsey
Stokes	Trafficant	Wyden
Studds	Tucker	Wynn
Stupak	Vento	Yates

NOES—231

Allard	Fox	Myers
Andrews	Franks (CT)	Myrick
Archer	Franks (NJ)	Nethercutt
Armey	Frelinghuysen	Neumann
Bachus	Frisa	Ney
Baessler	Funderburk	Norwood
Baker (CA)	Gallely	Nussle
Baker (LA)	Ganske	Ortiz
Ballenger	Gekas	Oxley
Barr	Geren	Packard
Barrett (NE)	Gillmor	Parker
Bartlett	Goodlatte	Paxon
Barton	Goodling	Petri
Bass	Goss	Pickett
Bateman	Greenwood	Pombo
Bevill	Gunderson	Portman
Bilbray	Gutknecht	Pryce
Bilirakis	Hamilton	Quillen
Bliley	Hancock	Quinn
Boehner	Hansen	Radanovich
Bonilla	Hastert	Regula
Bono	Hastings (WA)	Riggs
Brewster	Hayworth	Roberts
Browder	Hefley	Rogers
Brownback	Heineman	Rohrabacher
Bryant (TN)	Herger	Ros-Lehtinen
Bunn	Hilleary	Roth
Bunning	Hobson	Royce
Burr	Hoekstra	Salmon
Burton	Hoke	Sanford
Buyer	Horn	Scarborough
Callahan	Hostettler	Schaefer
Calvert	Houghton	Schiff
Camp	Hutchinson	Seastrand
Canady	Hyde	Sensenbrenner
Chabot	Inglis	Shadegg
Chambliss	Istook	Shaw
Chapman	Jacobs	Shuster
Christensen	Johnson, Sam	Sisisky
Chryslers	Jones	Skeen
Clinger	Kasich	Skelton
Coble	Kelly	Smith (MI)
Coburn	Kim	Smith (NJ)
Collins (GA)	King	Smith (TX)
Combest	Kingston	Solomon
Condit	Knollenberg	Souder
Cooley	Kolbe	Spence
Cox	LaHood	Stearns
Cramer	Largent	Stenholm
Crane	Latham	Stockman
Crapo	LaTourette	Stump
Creameans	Laughlin	Talent
Cubin	Lazio	Tate
Cunningham	Lewis (CA)	Tauzin
Deal	Lewis (KY)	Taylor (NC)
DeLay	Lightfoot	Tejeda
Diaz-Balart	Linder	Thomas
Dickey	Livingston	Thornberry
Dooley	LoBiondo	Tiahrt
Doolittle	Longley	Upton
Dornan	Lucas	Vucanovich
Dreier	Manzullo	Waldholtz
Dunn	Martini	Walker
Edwards	McCollum	Walsh
Ehlers	McCrery	Wamp
Ehrlich	McDade	Watts (OK)
Emerson	McHugh	Weldon (FL)
English	McInnis	Weller
Ensign	McIntosh	White
Everett	McKeon	Whitfield
Ewing	Metcalf	Wicker
Fawell	Meyers	Wilson
Fields (TX)	Mica	Wolf
Flanagan	Miller (FL)	Young (AK)
Foley	Molinar	Young (FL)
Forbes	Montgomery	Zeliff
Fowler	Moorhead	Zimmer

NOT VOTING—11

Chenoweth	Hunter	Smith (WA)
Duncan	Lipinski	Velazquez
Gonzalez	Miller (CA)	Ward
Graham	Rush	

So the amendment was not agreed to.  
After some further time,

¶34.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

Page 31, strike line 23 and all that follows down through line 5 on page 32 (all of section 301(a)(3)) and insert:

(3) shall exclude peer reviewers who are associated with entities that may have a financial or other interest in the outcome unless such interest is disclosed to the agency and the agency has determined that such interest will not reasonably be expected to create a bias in favor of obtaining an outcome that is consistent with such interest.

It was decided in the } Yeas ..... 177  
negative ..... } Nays ..... 247

¶34.11 [Roll No. 178]

AYES—177

Abercrombie	Furse	Nadler
Ackerman	Gejdenson	Neal
Andrews	Gephardt	Ney
Baessler	Gibbons	Oberstar
Baldacci	Gordon	Obey
Barcia	Green	Oliver
Barrett (WI)	Hall (OH)	Owens
Becerra	Hall (TX)	Pallone
Beilenson	Hamilton	Pastor
Bentsen	Hastings (FL)	Payne (NJ)
Berman	Hefner	Pelosi
Bevill	Hilliard	Pomeroy
Bishop	Hinchey	Poshard
Boehlert	Holden	Rahall
Bonior	Hoyer	Rangel
Borski	Jackson-Lee	Reed
Boucher	Jacobs	Reynolds
Brown (CA)	Jefferson	Richardson
Brown (FL)	Johnson (SD)	Rivers
Brown (OH)	Johnson, E. B.	Roemer
Bryant (TX)	Johnston	Rose
Cardin	Kanjorski	Roybal-Allard
Chapman	Kaptur	Sabo
Clay	Kennedy (MA)	Sanders
Clayton	Kennedy (RI)	Sawyer
Clyburn	Kennelly	Schroeder
Coleman	Kildee	Schumer
Collins (IL)	Klecza	Scott
Collins (MI)	Klink	Serrano
Conyers	LaFalce	Shays
Costello	LaTourette	Skaggs
Coyne	Levin	Slaughter
Danner	Lewis (GA)	Stark
de la Garza	Lincoln	Stokes
DeFazio	Lofgren	Studds
DeLauro	Lowey	Stupak
Dellums	Luther	Tanner
Deutsch	Maloney	Taylor (MS)
Dicks	Manton	Tejeda
Dingell	Markay	Thompson
Dixon	Martinez	Thornton
Doggett	Mascara	Torres
Doyle	Matsui	Torricelli
Durbin	McCarthy	Towns
Edwards	McDermott	Trafficant
Engel	McHale	Tucker
Eshoo	McKinney	Velazquez
Evans	McNulty	Vento
Farr	Meehan	Visclosky
Fattah	Menendez	Volkmer
Fazio	Mfume	Waters
Fields (LA)	Mineta	Watt (NC)
Filner	Minge	Waxman
Flake	Mink	Williams
Foglietta	Moakley	Wise
Ford	Mollohan	Woolsey
Frank (MA)	Montgomery	Wyden
Franks (NJ)	Morella	Wynn
Frost	Murtha	Yates

NOES—247

Allard	Bereuter	Bunning
Archer	Bilbray	Burr
Armey	Bilirakis	Burton
Bachus	Bliley	Buyer
Baker (CA)	Blute	Callahan
Baker (LA)	Boehner	Calvert
Ballenger	Bonilla	Camp
Barr	Bono	Canady
Barrett (NE)	Brewster	Castle
Bartlett	Browder	Chabot
Barton	Brownback	Chambliss
Bass	Bryant (TN)	Chenoweth
Bateman	Bunn	Christensen

Chrysler	Hobson	Portman
Clement	Hoekstra	Pryce
Clinger	Hoke	Quillen
Coble	Horn	Quinn
Coburn	Hostettler	Radanovich
Collins (GA)	Houghton	Ramstad
Combest	Hutchinson	Regula
Condit	Hyde	Riggs
Cooley	Inglis	Roberts
Cox	Istook	Rogers
Cramer	Johnson (CT)	Rohrabacher
Crane	Johnson, Sam	Ros-Lehtinen
Crapo	Jones	Roth
Creameans	Kasich	Roukema
Cubin	Kelly	Royce
Cunningham	Kim	Salmon
Davis	King	Sanford
Deal	Kingston	Saxton
DeLay	Klug	Scarborough
Diaz-Balart	Knollenberg	Schaefer
Dickey	Kolbe	Schiff
Dooley	LaHood	Seastrand
Doolittle	Largent	Sensenbrenner
Dornan	Latham	Shadegg
Dreier	Laughlin	Shaw
Duncan	Lazio	Shuster
Dunn	Leach	Sisisky
Ehlers	Lewis (CA)	Skeen
Ehrlich	Lewis (KY)	Skelton
Emerson	Lightfoot	Smith (MI)
English	Linder	Smith (NJ)
Ensign	Livingston	Smith (TX)
Everett	LoBiondo	Smith (WA)
Ewing	Longley	Solomon
Fawell	Lucas	Souder
Fields (TX)	Manzullo	Spence
Flanagan	Martini	Spratt
Foley	McCollum	Stearns
Forbes	McCrery	Stenholm
Fowler	McDade	Stockman
Fox	McHugh	Stump
Franks (CT)	McInnis	Talent
Frelinghuysen	McIntosh	Tate
Frisa	McKeon	Tauzin
Funderburk	Metcalf	Taylor (NC)
Gallegly	Meyers	Thomas
Ganske	Mica	Thornberry
Gekas	Miller (FL)	Thurman
Geren	Molinari	Tiahrt
Gilchrest	Moorhead	Torkildsen
Gillmor	Moran	Upton
Gilman	Myers	Waldholtz
Goodlatte	Myrick	Walker
Goodling	Nethercutt	Walsh
Goss	Neumann	Wamp
Graham	Norwood	Watts (OK)
Greenwood	Nussle	Weldon (FL)
Gunderson	Ortiz	Weldon (PA)
Gutknecht	Orton	Weller
Hancock	Oxley	White
Hansen	Packard	Whitfield
Harman	Parker	Wicker
Hastert	Paxon	Wilson
Hastings (WA)	Payne (VA)	Wolf
Hayes	Peterson (FL)	Young (AK)
Hayworth	Peterson (MN)	Young (FL)
Hefley	Petri	Zeliff
Heineman	Pickett	Zimmer
Herger	Pombo	
Hilleary	Porter	

## NOT VOTING—10

Gonzalez	Lipinski	Vucanovich
Gutierrez	Meek	Ward
Hunter	Miller (CA)	
Lantos	Rush	

So the amendment was not agreed to.  
After some further time,

## ¶34.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BARTON of Texas:

Page 36, after line 2, insert the following new title, redesignate title VI as title VII, and redesignate section 601 on page 36, line 4, as section 701:

## TITLE VI—PETITION PROCESS

## SEC. 601. PETITION PROCESS.

(2) PURPOSE.—The purpose of this section is to provide an accelerated process for the review of Federal programs designated to protect human health, safety, or the environment and to revise rules and program elements where possible to achieve substan-

tially equivalent protection of human health, safety or the environment at a substantially lower cost of compliance or in a more flexible manner.

(b) ACCELERATED PROCESS FOR CERTAIN PETITIONS.—Within 1 year after the date of enactment of this Act, the head of each Federal agency administering any program designed to protect human health, safety, or the environment shall establish accelerated procedures for accepting and considering petitions for the review of any rule or program element promulgated prior to the effective date of this Act which is part of such program, if the annual costs of compliance with such rule or program element are at least \$25,000,000.

(c) WHO MAY SUBMIT PETITIONS.—Any person who demonstrates that he or she is affected by a rule or program element referred to in subsection (b) may submit a petition under this section.

(d) CONTENTS OF PETITIONS.—Each petition submitted under this section shall include adequate supporting documentation, including, where appropriate, the following:

(1) New studies or other relevant information that provide the basis for a proposed revision of a risk assessment or risk characterization used as a basis of a rule or program element.

(2) Information documenting the costs of compliance with any rule or program element which is the subject of the petition and information demonstrating that a revision could achieve protection of human health, safety or the environment substantially equivalent to that achieved by the rule or program element concerned but at a substantially lower cost of compliance or in a manner which provides more flexibility to States, local, or tribal governments, or regulated entities. Such documentation may include information concerning investments and other actions taken by persons subject to the rule or program element in good faith to comply.

(e) DEADLINES FOR AGENCY RESPONSE.—Each agency head receiving petitions under this section shall assemble and review all such petitions received during the 6-month period commencing upon the promulgation of procedures under subsection (b) and during 15 successive 6-month periods thereafter. Not later than 180 days after the expiration of each such review period, the agency head shall complete the review of such petitions, make a determination under subsection (f) to accept or to reject each such petition, and establish a schedule and priorities for taking final action under subsection (g) with respect to each accepted petition. For petitions accepted for consideration under this section, the schedule shall provide for final action under subsection (g) within 18 months after the expiration of each such 180-day period and may provide for consolidation of reasonably related petitions. The schedule and priorities shall be based on the potential to more efficiently focus national economic resources within Federal regulatory programs designed to protect human health, safety, or the environment on the most important priorities and on such other factors as such Federal agency considers appropriate.

(f) CRITERIA FOR ACCEPTANCE OF PETITIONS.

(1) IN GENERAL.—An agency head shall accept a petition for consideration under this section if the petition meets the applicable requirements of subsections (b), (c), and (d) and if there is a reasonable likelihood that the revision requested in the petition would achieve protection of human health, safety or the environment substantially equivalent to that achieved by the rule or program element concerned but at a substantially lower cost of compliance or in a manner which provides more flexibility to States, local, or tribal governments, or regulated entities.

(2) FINAL AGENCY ACTION.—If the agency head rejects the petition, the agency head shall publish the reasons for doing so in the Federal Register. Any petition rejected for consideration under this section may be considered by the agency under any other applicable procedures, but a rejection of a petition under this section shall be considered final agency action.

(3) CONSIDERATION.—In determining whether to accept or reject a petition with respect to any rule or program element, the agency shall take into account any information provided by the petitioner concerning costs incurred in complying with the rule or program element prior to the date of the petition and the costs that could be incurred by changing the rule or program element as proposed in the petition.

(g) FINAL AGENCY ACTION.—In accordance with the schedule established under subsection (e), and after notice and opportunity for comment, the agency head shall take final action regarding petitions accepted under subsection (f) by either revising a rule or program element or determining not to make any such revision. When reviewing any final agency action under this subsection, the court shall hold unlawful and set aside the agency action if found to be unsupported by substantial evidence.

(h) OTHER PROCEDURES REMAIN AVAILABLE.—Nothing in this section shall be construed to preclude the review or revision of any risk characterization document, risk assessment document, rule or program element at any time under any other procedures.

## SEC. 602. REVIEWS OF HEALTH EFFECTS VALUES.

Within 5 years after the enactment of this Act, the Administrator of the Environmental Protection Agency shall review each health or environmental effects value placed, before the effective date of title I, on the Integrated Risk Information System (IRIS) Database maintained by the Agency and revise such value to comply with the provisions of title I.

## SEC. 603. DEFINITIONS.

As used in this title:

(1) The term "Federal agency" has the same meaning as when used in section 110.

(2) The terms "rule" and "program element" shall include reasonably related provisions of the Code of Federal Regulations and any guidance, including protocols of general applicability establishing policy regarding risk assessment or risk characterization, but shall not include any permit or license or any regulation or other action by an agency to authorize or approve any individual substance or product.

It was decided in the { Yeas ..... 206  
negative ..... } Nays ..... 220

## ¶34.13

[Roll No. 179]

## AYES—206

Allard	Brownback	Costello
Archer	Bryant (TN)	Cox
Armey	Bunn	Cramer
Bachus	Burr	Crane
Baessler	Burton	Crapo
Baker (CA)	Buyer	Creameans
Baker (LA)	Callahan	Cubin
Ballenger	Calvert	Cunningham
Barcia	Camp	Deal
Barr	Canady	DeLay
Barrett (NE)	Chabot	Dickey
Barton	Chambliss	Dicks
Bass	Chapman	Dooley
Bevill	Chenoweth	Doolittle
Bilbray	Christensen	Dornan
Bilirakis	Chrysler	Dreier
Bishop	Clement	Duncan
Bliley	Coble	Dunn
Boehner	Coburn	Edwards
Bonilla	Collins (GA)	Ehrlich
Bono	Combest	Emerson
Brewster	Condit	Ensign
Browder	Cooley	Everett